



January 18, 2006

SENATE BILL No. 88

DIGEST OF SB 88 (Updated January 17, 2006 11:41 am - DI 71)

Citations Affected: IC 6-6; IC 9-13; IC 9-19.

Synopsis: Motor vehicle restraint systems. Requires every occupant of a motor vehicle to wear a safety belt, with certain exceptions. Removes from the safety belt law conflicting language that was declared invalid by the Indiana supreme court. Prohibits the sale or transfer of a motor vehicle unless the motor vehicle is equipped with safety belts.

Effective: July 1, 2006.

Wyss, Sipes, Becker

January 9, 2006, read first time and referred to Committee on Homeland Security, Utilities, and Public Policy.
January 17, 2006, reported favorably — Do Pass.

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SB 88—LS 6313/DI 103+



January 18, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 88

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-6-5-6.7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.7. (a) As used in this
3 section, "passenger motor vehicle" and "truck" have the meanings set
4 forth for those terms in ~~IC 9-13-2-123(a)~~ **IC 9-13-2-123** and
5 IC 9-13-2-188(a).

6 (b) Every owner of a passenger motor vehicle or passenger motor
7 vehicles or of a truck or trucks who during a registration year regularly
8 rents those vehicles or trucks for periods of under thirty (30) days to
9 others in the regular course of the owner's business is entitled to a
10 credit against the motor vehicle excise tax liability owed for those
11 passenger motor vehicles or trucks for that registration year. The
12 maximum credit an owner is entitled to claim against the tax owed for
13 all those passenger motor vehicles and trucks for a registration year
14 under this section equals the lesser of:

15 (1) the total motor vehicle excise taxes due for those passenger
16 motor vehicles and trucks for that registration year, before the
17 application of the credit allowed by this section; or

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(2) the total auto rental excise taxes collected by the owner during the immediately preceding registration year.

(c) A passenger motor vehicle or truck is regularly rented by a person in the regular course of the person's business during a registration year if the passenger motor vehicle or truck is rented by the person to another person an average of ten (10) days each month of the registration year that the person owned the passenger motor vehicle or truck.

SECTION 2. IC 6-6-5-7.9, AS ADDED BY P.L.210-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.9. (a) As used in this section, "passenger motor vehicle" has the meaning set forth in ~~IC 9-13-2-123(a)~~. **IC 9-13-2-123.**

(b) Notwithstanding any other law, and for calendar year 2006, the registration fee for a passenger motor vehicle that is registered in Indiana in calendar year 2005 shall be at the rate as set forth in IC 9-29-5-1 with no reduction for any partial calendar month that has elapsed since the regular annual registration date in calendar year 2005.

(c) This section expires January 1, 2007.

SECTION 3. IC 6-6-9.5-4, AS ADDED BY P.L.214-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "passenger motor vehicle" has the meaning set forth in ~~IC 9-13-2-123(a)~~. **IC 9-13-2-123.**

SECTION 4. IC 6-6-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "passenger motor vehicle" has the meaning set forth in ~~IC 9-13-2-123(a)~~. **IC 9-13-2-123.**

SECTION 5. IC 6-6-9.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "passenger motor vehicle" has the meaning set forth in ~~IC 9-13-2-123(a)~~. **IC 9-13-2-123.**

SECTION 6. IC 9-13-2-123, AS AMENDED BY P.L.219-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 123. (a) "Passenger motor vehicle" means ~~except as provided in subsection (b)~~; a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include a motorcycle, a bus, a school bus, or an off-road vehicle.

(b) For purposes of ~~IC 9-19-10~~, the term includes buses, school buses, and private buses, and excludes trucks, tractors, and recreational vehicles.

SECTION 7. IC 9-19-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter does not apply to a front seat occupant of a motor vehicle who meets any of

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the following conditions:

- (1) For medical reasons should not wear safety belts.
- (2) Is a child **less than sixteen (16) years of age who is** required to be restrained by a child restraint system **or safety belt** under IC 9-19-11.
- (3) Is traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.
- (4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural postal route.
- (5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.
- (6) Is a driver examiner designated and appointed under IC 9-14-2-3 and is conducting an examination of an applicant for a permit or license under IC 9-24-10.
- (7) Is the occupant of a farm truck being used on a farm for agricultural pursuits.**
- (8) Is the occupant of a motor vehicle participating in a parade.**
- (9) Is the occupant of the living quarters area of a recreational vehicle.**
- (10) Is the occupant of the treatment area of an ambulance (as defined in IC 16-18-2-13).**
- (11) Is the occupant of the sleeping area of a tractor.**
- (12) Is the occupant of a motor vehicle that is not equipped with safety belts meeting the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208).**

SECTION 8. IC 9-19-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. Each ~~front seat~~ occupant of a ~~passenger~~ motor vehicle ~~that is equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208)~~ shall have a safety belt properly fastened about the occupant's body at all times when the vehicle is in forward motion.

SECTION 9. IC 9-19-10-3, AS AMENDED BY P.L.57-1998, SECTION 2, AND AS AMENDED BY P.L.116-1998, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. *(a) Except as provided in subsection (b), a person may not be stopped, inspected, or detained solely to determine compliance with this chapter.*

(b) Subsection (a) does not apply to a stop, an inspection, or a

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1 *detention of a person to determine compliance with section 2.5 of this*
2 *chapter.*
3 *A vehicle may be stopped to determine compliance with this chapter.*
4 *However, a vehicle, the contents of a vehicle, the driver of a vehicle,*
5 *or a passenger in a vehicle may not be inspected, searched, or*
6 *detained solely because of a violation of this chapter.*
7 SECTION 10. IC 9-19-10-5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. A person may not
9 buy, sell, lease, trade, or transfer from or to Indiana residents at retail
10 an automobile that is manufactured or assembled, commencing with
11 the 1964 models, unless the automobile is equipped with safety belts.
12 ~~installed for use in the front seat.~~

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SENATE MOTION

Madam President: I move that Senator Sipes be added as second author and Senator Becker be added as coauthor of Senate Bill 88.

WYSS

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill No. 88, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 88 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 6, Nays 1.

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